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Paper No. 8

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**SUITE 1750**  
**ATLANTA, GA 30339-5948**

**COPY MAILED**

**OCT 24 2003**

**OFFICE OF PETITIONS**

In re Application of  
Charles W. Pennington et al  
Application No. 09/746,156  
Filed: December 22, 2000  
Attorney Docket No. 061404-1090

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Technology Center AU 2881.

  
Wan Laymon

Petitions Examiner  
Office of Petitions  
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